

§§ 52.829–52.832

(iii) An order shall not be effective until it has been submitted to and approved by the Administrator in accordance with §§ 51.104, 51.105, 51.261 and 51.262(a).

(2) Notwithstanding the limitations of paragraph (b)(1)(ii) of this section, an order may be granted which provides for compliance beyond the statutory attainment date for a national standard where compliance is not possible because of breakdowns or malfunctions of equipment, acts of God, or other unavoidable occurrences. However, such order may not defer compliance for more than three (3) months unless the procedures and conditions set forth in section 110(f) of the Act are met.

[38 FR 30877, Nov. 8, 1973, as amended at 51 FR 40675, 40676, 40677, Nov. 7, 1986; 52 FR 24367, June 30, 1987]

§§ 52.829–52.832 [Reserved]

§ 52.833 Significant deterioration of air quality.

(a) The requirements of sections 160 through 165 of the Clean Air Act are met, except for sources seeking permits to locate on Indian lands in the state of Iowa; sources with permits issued by EPA prior to the effective date of the state's rules; and certain sources affected by the stack height rules described in a letter from Iowa dated April 22, 1987.

(b) Regulations for preventing significant deterioration of air quality. The provisions of § 52.21 except paragraph (a)(1) are hereby incorporated and made a part of the applicable State plan for the State of Iowa for sources wishing to locate on Indian lands; sources constructed under permits issued by EPA; and certain sources as identified in Iowa's April 22, 1987, letter.

[52 FR 23982, June 26, 1987, as amended at 68 FR 11323, Mar. 10, 2003; 68 FR 74489, Dec. 24, 2003]

§ 52.834 Control strategy: Sulfur dioxide.

Approval—On April 21, 1997, the Iowa Department of Natural Resources (IDNR) submitted a maintenance plan and redesignation request for the Muscatine County nonattainment area.

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The maintenance plan and redesignation request satisfy all applicable requirements of the Clean Air Act.

[63 FR 13345, Mar. 19, 1998]

Subpart R—Kansas

§ 52.869 [Reserved]

§ 52.870 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable SIP for Kansas under Section 110 of the CAA, 42 U.S.C. 7401 *et seq.* and 40 CFR Part 51 to meet NAAQS.

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c), (d) and (e) of this section with an EPA approval date prior to October 1, 2003, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the FEDERAL REGISTER. Entries in paragraphs (c), (d) and (e) of this section with EPA approval dates after October 1, 2003, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region VII certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated state rules/regulations which have been approved as part of the SIP as of October 1, 2003.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region VII, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101; at the EPA, Air and Radiation Docket and Information Center, Room B-108, 1301 Constitution Avenue, NW., (Mail Code 6102T), Washington, DC 20460; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(c) *EPA-approved regulations.*

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EPA—APPROVED KANSAS REGULATIONS

Kansas citation	Title	State effective date	EPA approval date	Explanation
Kansas Department of Health and Environment Ambient Air Quality Standards and Air Pollution Control				
General Regulations				
K.A.R. 28–19–6	Statement of Policy	1/1/72	5/31/72, 37 FR 10867	Kansas revoked this rule 5/1/82.
K.A.R. 28–19–8	Reporting Required	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–9	Time Schedule for Compliance	5/1/84	12/21/87, 52 FR 48265.	
K.A.R. 28–19–10	Circumvention of Control Regulations.	1/1/71	5/31/72, 37 FR 10867.	
K.A.R. 28–19–11	Exceptions Due to Breakdowns or Scheduled Maintenance.	1/1/74	11/8/73, 38 FR 30867.	
K.A.R. 28–19–12	Measurement of Emissions.	1/1/71	5/31/72, 37 FR 10867.	
K.A.R. 28–19–13	Interference with Enjoyment of Life and Property.	1/1/74	11/8/73, 38 FR 30876.	
K.A.R. 28–19–14	Permits Required	1/24/94	7/17/95, 60 FR 36361.	
K.A.R. 28–19–15	Severability	1/1/71	5/31/72, 37 FR 10867.	
Nonattainment Area Requirements				
K.A.R. 28–19–16	New Source Permit Requirements for Designated Nonattainment Areas.	10/16/89	1/16/90, 55 FR 1422.	The EPA deferred action on the state's current definition of the terms "building, structure, facility, or installation"; "installation "; and "reconstruction."
K.A.R. 28–19–16a	Definitions	10/10/97	1/11/00, 65 FR 1548.	
K.A.R. 28–19–16b	Permit Required	10/16/89	1/16/90, 55 FR 1422.	
K.A.R. 28–19–16c	Creditable Emissions Reductions ..	10/16/89	1/16/90, 55 FR 1422	
K.A.R. 28–19–16d	Fugitive Emission Exemption	10/16/89	1/16/90, 55 FR 1422.	
K.A.R. 28–19–16e	Relaxation of Existing Emission Limitations.	10/16/89	1/16/90, 55 FR 1422.	
K.A.R. 28–19–16f	New Source Emission Limits	10/16/89	1/16/90, 55 FR 1422.	
K.A.R. 28–19–16g	Attainment and Maintenance of National Ambient Air Quality Standards.	10/16/89	1/16/90, 55 FR 1422.	
K.A.R. 28–19–16h	Compliance of Other Sources	10/16/89	1/16/90, 55 FR 1422.	
K.A.R. 28–19–16i	Operating Requirements	10/16/89	1/16/90, 55 FR 1422.	
K.A.R. 28–19–16j	Revocation and Suspension of Permit.	10/16/89	1/16/90, 55 FR 1422.	
K.A.R. 28–19–16k	Notification Requirements	10/16/89	1/16/90, 55 FR 1422.	
K.A.R. 28–19–16l	Failure to Construct	10/16/89	1/16/90, 55 FR 1422.	
K.A.R. 28–19–16m	Compliance with Provisions of Law Required.	10/16/89	1/16/90, 55 FR 1422.	
Attainment Area Requirements				
K.A.R. 28–19–17	Prevention of Significant Deterioration of Air Quality.	11/22/02	02/26/03, 68 FR 8846	K.A.R. 28–19–17a through 28–19–17q revoked. Provision moved to K.A.R. 28–19–350.
Stack Height Requirements				
K.A.R. 28–19–18	Stack Heights	5/1/88	4/20/89, 54 FR 15934	The state regulation has stack height credit. The EPA has not approved that part.
K.A.R. 28–19–18b	Definitons	5/1/88	4/20/89, 54 FR 15934.	
K.A.R. 28–19–18c	Methods for Determining Good Engineering Practice Stack Height.	5/1/88	4/20/89, 54 FR 15934.	
K.A.R. 28–19–18d	Fluid Modeling	5/1/88	4/20/89, 54 FR 15934.	
K.A.R. 28–19–18e	Relaxation of Existing Emission Limitations.	5/1/88	4/20/89, 54 FR 15934.	

EPA—APPROVED KANSAS REGULATIONS—Continued

Kansas citation	Title	State effective date	EPA approval date	Explanation
K.A.R. 28–19–18f	Notification Requirements	5/1/88	4/20/89, 54 FR 15934.	
Continuous Emission Monitoring				
K.A.R. 28–19–19	Continuous Emission Monitoring ...	6/8/92	1/12/93, 58 FR 3847.	
Processing Operation Emissions				
K.A.R. 28–19–20	Particulate Matter Emission Limitations.	10/16/89	1/16/90, 55 FR 1421.	
K.A.R. 28–19–21	Additional Emission Restrictions	10/16/89	1/16/90, 55 FR 1422.	
K.A.R. 28–19–22	Sulfur Compound Emissions	1/1/72	11/8/73, 38 FR 30876.	
K.A.R. 28–19–23	Hydrocarbon Emissions—Stationary Sources.	12/27/72	11/8/73, 38 FR 30876.	
K.A.R. 28–19–24	Control of Carbon Monoxide Emissions.	1/1/72	11/8/73, 38 FR 30876.	
Indirect Heating Equipment Emissions				
K.A.R. 28–19–30	General Provisions	1/1/72	5/31/72, 37 FR 10867.	
K.A.R. 28–19–31	Emission Limitations	11/8/93	10/18/94, 59 FR 52425.	
K.A.R. 28–19–32	Exemptions—Indirect Heating Equipment.	11/8/93	10/18/94, 59 FR 52425.	
Incinerator Emissions				
K.A.R. 28–19–40	General Provisions	1/1/71	5/31/72, 37 FR 10867.	
K.A.R. 28–19–41	Restriction of Emission	12/27/72	11/8/73, 38 FR 30876.	
K.A.R. 28–19–42	Performance Testing	1/1/72	11/8/73, 38 FR 30876.	
K.A.R. 28–19–43	Exceptions	1/1/71	5/31/72, 37 FR 10867.	
Air Pollution Emergencies				
K.A.R. 28–19–55	General Provisions	1/1/72	5/31/72, 37 FR 10867.	
K.A.R. 28–19–56	Episode Criteria	10/16/89	1/16/90, 55 FR 1422.	
K.A.R. 28–19–57	Emission Reduction Requirements	1/1/72	5/31/72, 37 FR 10867.	
K.A.R. 28–19–58	Emergency Episode Plans	1/1/72	5/31/72, 37 FR 10867.	
Volatile Organic Compound Emissions				
K.A.R. 28–19–61	Definitions	10/7/91	6/23/92, 57 FR 27936.	
K.A.R. 28–19–62	Testing Procedures	10/7/71	6/23/92, 57 FR 27936.	
K.A.R. 28–19–63	Automobile and Light Duty Truck Surface Coating.	11/8/93	10/18/94, 59 FR 52425.	
K.A.R. 28–19–64	Bulk Gasoline Terminals	5/1/88	5/18/88, 53 FR 17700.	
K.A.R. 28–19–65	Volatile Organic Compounds (VOC) Liquid Storage in Permanent Fixed Roof Type Tanks.	5/1/88	5/18/88, 53 FR 17700.	
K.A.R. 28–19–66	Volatile Organic Compounds (VOC) Liquid Storage in External Floating Roof Tanks.	5/1/88	5/18/88, 53 FR 17700.	
K.A.R. 28–19–67	Petroleum Refineries	5/1/86	1/2/87, 52 FR 53.	
K.A.R. 28–19–68	Leaks from Petroleum Refinery Equipment.	5/1/86	1/2/87, 52 FR 53.	
K.A.R. 28–19–69	Cutback Asphalt	5/1/88	5/18/88, 53 FR 17700	
K.A.R. 28–19–70	Leaks from Gasoline Delivery Vessels and Vapor Collection Systems.	5/15/98	1/11/00, 65 FR 1548.	
K.A.R. 28–19–71	Printing Operations	5/1/88	5/18/88, 53 FR 17700.	
K.A.R. 28–19–72	Gasoline Dispensing Facilities	5/1/88	5/18/88, 53 FR 17700	
K.A.R. 28–19–73	Surface Coating of Miscellaneous Metal Parts and Products and Metal Furniture.	6/8/92	1/12/93, 58 FR 3847.	
K.A.R. 28–19–74	Wool Fiberglass Manufacturing	5/1/88	5/18/88, 53 FR 17700.	
K.A.R. 28–19–76	Lithography Printing Operations	10/7/91	6/23/92, 57 FR 27936.	
K.A.R. 28–19–77	Chemical Processing Facilities That Operate Alcohol Plants or Liquid Detergent Plants.	10/7/91	6/23/92, 57 FR 27936.	

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EPA—APPROVED KANSAS REGULATIONS—Continued

Kansas citation	Title	State effective date	EPA approval date	Explanation
General Provisions				
K.A.R. 28–19–200	General Provisions; definitions	10/10/97	1/11/00, 65 FR 1548	New rule. Replaces K.A.R. 28–19–7 definitions. New rule. Replaces Regulated Compounds in K.A.R. 28–19–7.
K.A.R. 28–19–201	General provisions; Regulated Compounds List.	10/10/97	1/11/00, 65 FR 1548	
K.A.R. 28–19–204	Permit Issuance and Modification; Public Participation.	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–210	Calculation of Actual Emissions	11/22/93	1/11/00, 65 FR 1548.	
K.A.R. 28–19–212	Approved Test Methods and Emission Compliance Determination Procedures.	1/12/95	7/17/95, 60 FR 36361.	
Construction Permits and Approvals				
K.A.R. 28–19–300	Applicability	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–301	Application and Issuance	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–302	Additional Provisions; Construction Permits.	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–303	Additional Provisions; Construction Approvals.	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–304	Fees	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–350	Prevention of Significant Deterioration of Air Quality.	11/22/02	02/26/03, 68 FR 8846.	
General Permits				
K.A.R. 28–19–400	General Requirements	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–401	Adoption by the Secretary	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–402	Availability of Copies; Lists of Sources to Which Permits Issued.	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–403	Application to Construct or Operate Pursuant to Terms of General Permits.	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–404	Modification, Revocation	1/23/95	7/17/95, 60 FR 36361.	
Operating Permits				
K.A.R. 28–19–500	Applicability	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–501	Emissions Limitations and Pollution Control Equipment for Class I and Class II Operating Permits; Conditions.	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–502	Identical Procedural Requirements	1/23/95	7/17/95, 60 FR 36361.	
Class II Operating Permits				
K.A.R. 28–19–540	Applicability	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–541	Application Timetable and Contents.	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–542	Permit-by-Rule	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–543	Permit Term and Content; Operational Compliance.	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–544	Modification of Sources or Operations.	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–545	Application Fee	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–546	Annual Emission Inventory	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–561	Permit-by-Rule; Reciprocating Engines.	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–562	Permit-by-Rule; Organic Solvent Evaporative Sources.	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–563	Permit-by-Rule; Hot Mix Asphalt Facilities.	1/23/95	7/17/95, 60 FR 36361.	

EPA—APPROVED KANSAS REGULATIONS—Continued

Kansas citation	Title	State effective date	EPA approval date	Explanation
K.A.R. 28–19–564	Permit-by-Rule; Sources with Actual Emissions Less Than 50 Percent of Major Source Thresholds.	10/04/02	3/26/03, 68 FR 14541.	
Open Burning Restrictions				
K.A.R. 28–19–645	Open Burning Prohibited	3/1/96	10/2/96, 61 FR 51366.	New rule. Replaces K.A.R. 28–19–50 and 28–19–52.
K.A.R. 28–19–646	Responsibility for Open Burning	3/1/96	10/2/96, 61 FR 51366.	
K.A.R. 28–19–647	Exceptions to Prohibition on Open Burning.	3/1/96	10/2/96, 61 FR 51366.	
K.A.R. 28–19–648	Agricultural Open Burning	3/1/96	10/2/96, 61 FR 51366.	
K.A.R. 28–19–650	Emissions Opacity Limits	1/29/99	1/11/00, 65 FR 1548	
Volatile Organic Compound Emissions				
K.A.R. 28–19–714	Control of Emissions from Solvent Metal Cleaning.	9/1/02	10/30/02, 67 FR 66060.	
K.A.R. 28–19–717	Control of Volatile Organic Compound (VOC) Emissions from Commercial Bakery Ovens in Johnson and Wyandotte Counties.	12/22/00	12/12/01, 66 FR 64148.	
K.A.R. 28–19–719	Fuel Volatility	4/27/01	2/13/02, 67 FR 6658.	
Conformity				
K.A.R. 28–19–800	General Conformity of Federal Actions.	3/15/96	10/2/96, 61 FR 51366.	

(d) EPA-approved State source-specific permits.

EPA-APPROVED KANSAS SOURCE-SPECIFIC PERMITS

Name of source	Permit No.	State effective date	EPA approval date	Explanation
(1) Board of Public Utilities, Quindaro Power Station.	2090048	10/20/93	10/18/94, 59 FR 52425..	
(2) Board of Public Utilities, Kaw Power Station.	2090049	10/20/93	10/18/94, 59 FR 52425..	

(e) EPA-approved nonregulatory provisions and quasi-regulatory measures.

EPA—APPROVED KANSAS NONREGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or non-attainment area	State submittal date	EPA approval date	Explanation
(1) Implementation Plan for Attainment and Maintenance of the National Air Quality Standards.	Statewide	1/31/72	5/31/72, 37 FR 10867.	
(2) Comments on the Plan in Response to EPA Review.	Kansas City	3/24/72	6/22/73, 38 FR 46565. ..	Correction notice published 3/2/76.
(3) Emergency Episode Operations/Communications Manual.	Kansas City	4/6/72	11/8/73, 38 FR 30876. ..	
(4) Emergency Episode Operations/Communications Manual.	Statewide except Kansas City.	2/15/73	11/8/73, 38 FR 30876. ..	
(5) Letter Concerning Attainment of CO Standards.	Kansas City	5/29/73	11/8/73, 38 FR 30876. ..	
(6) Amendment to State Air Quality Control Law Dealing with Public Access to Emissions Data.	Statewide	7/27/73	11/8/73, 38 FR 30876. ..	Correction notice published 3/2/76.
(7) Analysis and Recommendations Concerning Designation of Air Quality Maintenance Areas.	Statewide	2/28/74	3/2/76, 41 FR 8960.	
(8) Ozone Nonattainment Plan	Kansas City	9/17/79	4/3/81, 46 FR 20165.	

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EPA—APPROVED KANSAS NONREGULATORY PROVISIONS—Continued

Name of nonregulatory SIP provision	Applicable geographic or non-attainment area	State submittal date	EPA approval date	Explanation
(9) Ozone Nonattainment Plan	Douglas County ..	10/22/79	4/3/81, 46 FR 20165.	Correction notice published 1/12/84.
(10) TSP Nonattainment Plan	Kansas City	3/10/80	4/3/81, 46 FR 20165.	
(11) Lead Plan	Statewide	2/17/81	10/22/81, 46 FR 51742.	
(12) CO Nonattainment Plan	Wichita	4/16/81	12/15/81, 46 FR 61117.	
(13) Air Monitoring Plan	Statewide	10/16/81	1/22/82, 47 FR 3112.	
(14) Letter and Supporting Documentation Relating to Reasonably Available Control Technology for Certain Particulate Matter Sources.	Kansas City	9/15/81	6/18/82, 47 FR 26387.	
(15) Letter Agreeing to Follow EPA Interim Stack Height Policy for Each PSD Permit Issued Until EPA Revises the Stack Height Regulations.	Statewide	6/20/84	12/11/84, 49 FR 48185.	
(16) Letters Pertaining to Permit Fees	Statewide	3/27/86 9/15/87	12/21/87, 52 FR 48265.	
(17) Revisions to the Ozone Attainment Plan	Kansas City	7/2/86 4/16/87 8/18/87 8/19/87 1/6/88	5/18/88, 53 FR 17700.	
(18) Revised CO Plan	Wichita	3/1/85 9/3/87	10/28/88, 53 FR 43691.	
(19) Letter Pertaining to the Effective Date of Continuous Emission Monitoring Regulations.	Statewide	1/6/88	11/25/88, 53 FR 47690.	
(20) Letters Pertaining to New Source Permit Regulations, Stack Height Regulations, and Stack Height Analysis and Negative Declarations.	Statewide	3/27/86 12/7/87 1/6/88	4/20/89, 54 FR 15934.	
(21) PM ₁₀ Plan	Statewide	10/5/89 10/16/89	1/16/90, 55 FR 1422.	
(22) Ozone Maintenance Plan	Kansas City	10/23/91	6/23/92, 57 FR 27936.	
(23) Letter Pertaining to PSD NO _x Requirements.	Statewide	9/15/92	1/12/93, 58 FR 3847.	
(24) Small Business Assistance Plan	Statewide	1/25/94	5/12/94, 59 FR 24644.	
(25) Letter Regarding Compliance Verification Methods and Schedules Pertaining to the Board of Public Utilities Power Plants.	Kansas City	12/11/92	10/18/94, 59 FR 52425.	
(26) Emissions Inventory Update Including a Motor Vehicle Emissions Budget.	Kansas City	5/11/95	4/25/96, 59 FR 52425.	
(27) Air monitoring plan	Statewide	1/6/02	8/30/02, 67 FR 55728.	
(28) Maintenance Plan for the 1-hour ozone standard in the Kansas portion of the Kansas City maintenance area for the second ten- year period.	Kansas City	01/09/03	01/13/04.	

[64 FR 7098, Feb. 12, 1999, as amended at 65 FR 1547, Jan. 11, 2000; 65 FR 39551, June 27, 2000; 66 FR 64150, Dec. 12, 2001; 67 FR 6658, Feb. 13, 2002; 67 FR 55728, Aug. 30, 2002; 67 FR 66060, Oct. 30, 2002; 68 FR 8846, Feb. 26, 2003; 68 FR 14541, Mar. 26, 2003; 68 FR 34545, June 10, 2003; 68 FR 64533, Nov. 14, 2003; 69 FR 1921, Jan. 13, 2004]

§ 52.871 Classification of regions.

The Kansas plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Metropolitan Kansas City Interstate	I	III	III	I	I
South Central Kansas Intrastate	I	III	III	III	I
Northeast Kansas Intrastate	I	III	III	III	III
Southeast Kansas Intrastate	III	III	III	III	III
North Central Kansas Intrastate	I	III	III	III	III
Northwest Kansas Intrastate	I	III	III	III	III